

RESOLUTION NO. R-23-04

RESOLUTION OF THE MAYOR AND CITY COUNCIL
ADOPTING MP-2-03: SPECIAL CONDITIONS ASSOCIATED
WITH MAP DESIGNATIONS AND SPECIAL STUDY AREAS
OF THE MASTER PLAN AMENDMENT MP-1-03

AS APPROVED AND RECOMMENDED BY
THE PLANNING COMMISSION ON MARCH 3, 2004

AS ADOPTED BY THE MAYOR AND CITY COUNCIL ON MARCH 15, 2004

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommends the same to the local legislative body for adoption, to serve as guide to public and private actions and decisions to insure the logical development of public and private property in appropriate relationships; and

WHEREAS, Section 3.08 of Article 66B of the Annotated Code of Maryland states that the local legislative body shall adopt the plan and or amendment thereto, and

WHEREAS, a land use element of the City's General Plan is required by the State of Maryland Economic Growth, Resource Protection, and Planning Act of 1992 and Section 3.05 of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the Planning Commission on September 3, 2003 recommended approval of the Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview by resolution PCR-2-03; and

WHEREAS, the Mayor and City Council on December 15, 2003 adopted the Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview by resolution R-103-03. The aforementioned plan (MP-1-03) was the subject of a joint Planning Commission and Mayor and City Council public hearing on July 21, 2003; and

WHEREAS, the adopted Land Use Plan, outlines specific land use recommendations on a City-wide basis that includes five (5) special study areas and fifty-seven (57) map designations with supporting information that incorporates the master plan process and city overview; and

WHEREAS, the adopted Land Use Plan is recommending special conditions for five map designations (11, 14, 20, 26, and 57) and the Muddy Branch and Casey-Metropolitan Grove special study areas.

WHEREAS, a zoning text amendment (T-360) was adopted by the Mayor and City Council on January 5, 2004, granting powers whereby special conditions or requirements for development and use thereof, or special conditions and requirements as to availability of public facilities can be addressed as part of the land use element of the Master Plan and are

binding at time of the site development review by the Planning Commission (Ordinance No. O-1-04); and

WHEREAS, the Planning Commission held a joint public hearing with the Mayor and City Council on February 17, 2004 on the proposed special conditions of the adopted Master Plan Land Use Plan and Process and City Overview, and after careful survey and study of present conditions and anticipated future growth to the City and the adjacent area, the Planning Commission approved Resolution No. PCR-1-04 on March 3, 2004, being the approval of special conditions of the adopted Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview, and transmitted an attested copy of the same as its recommendation to the Mayor and City Council which is hereby attached and incorporated as part of this resolution; and


WHEREAS, the application of special conditions, the comprehensive rezoning, and the site plan review process are all tools whereby the development type and staging (i.e. numbers of residential units and square footage of development space principally in relation to road and school capacity) adopted as a guide in the draft Land Use Plan may be further refined and revised by the Mayor and City Council and/or the Planning Commission.

WHEREAS, the General Plan and amendments made from time to time, provide a general framework for assisting the Mayor and City Council and City Planning Commission in making land use policy and facilities decisions:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the special conditions of the adopted Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview, thoroughly reviewed by the legislative body during the joint public hearing conducted on February 17, 2004, approved by the City Planning Commission on March 3, 2004, and recommended to the legislative body (as PCR-1-04) is hereby adopted by the Mayor and City Council.

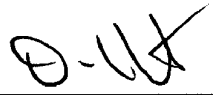
NOW, THEREFORE, BE IT FURTHER RESOLVED, that all other recommendations of the City Planning Commission, pursuant to the adoption of PCR-1-04 and all subsequent Resolutions by the City Council, are hereby approved and ratified to the extent not inconsistent with this Resolution.

ADOPTED by the City Council this 15th day of March, 2004.



SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council on the 15th day of March, 2004.



David B. Humpton, City Manager